

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 11552 of 2006

Dated: 16.03.2007

Between:

C. Bhaskar and others.

..Petitioners.

and

The Chairman & Managing Director Southern Power Distribution Company Limited, Tirupathi and others.

..Respondents.

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 11552 of 2006

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Oral order:

The petitioners claim that they are working as contract labour with the respondent Nos. 1 to 3-APSPDCL. They state that they are covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, and in this regard, the Member Secretary of the erstwhile APSEB has also issued Memo dated 24.09.1997 directing the Chief Engineers and Superintending Engineers to ensure that PF contributions in respect of contract labour are remitted to the PF Commissioners. The petitioners state that when the directions issued in the above Memo were not implemented, the A.P. Power Engineering & Technical Contract Workers Union, filed writ petition in W.P. No. 428 of 2004, and considering the fact that the complaint filed by them before the Assistant Provident Fund Commissioner was pending, this Court by order dated 25.08.2004 disposed of the said writ petition directing the Assistant Provident Fund Commissioner to consider and dispose of the complaint. While so, the petitioners states that respondent No. 4 vide letter dated 31.08.2004 informed that respondent Nos. 1 to 3 remitted an amount of Rs.6,86,459/- towards PF dues for the period from 3/2000 to 7/2005. The petitioners state that inasmuch as they have been working as contract labour with respondent Nos. 1 to 3 since 1985-86, respondent Nos. 1 to 3 were bound to remit the PF dues from 1985-86, and the action of respondent Nos. 1 to 3 in in remitting the PF dues only for the period from 3/2000 to 7/2005, and not remitting the PF dues for the period from 1985-86 to 2/2000 is illegal and arbitrary. They therefore, seek a direction to respondent No.4 to recover the PF dues from respondent Nos. 1 to 3 from 1985-86, and credit the same to their respective accounts.

Heard the learned counsel for the petitioners, the learned

Standing Counsel for respondent Nos. 1 to 3 and the learned Standing Counsel for respondent No.4.

The petitioners claim that they have been working as contract labour with respondent Nos. 1 to 3 since 1985-86, and inasmuch as it is their case that respondent Nos. 1 to 3 did not remit their part of the PF contribution for the period from 1985-86 to 2/2000 before respondent No.4, I deem it appropriate to dispose of the writ petition with the following directions:

Respondent No.4 is directed to cause an enquiry into the matter, and if it is found that the petitioners were working as contract labour since 1985-86, and if respondent Nos. 1 to 3 were under an obligation to remit the PF dues from the date the petitioners were working as contract labour, which the petitioners contend, respondent Nos. 1 to 3 did not deposit, then respondent No.4 shall call upon respondent Nos. 1 to 3 to deposit the PF dues for the period for which respondent Nos. 1 to 3 did not deposit.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 16th March, 2007.
MSV/KSR